

KUMAR
Appl. No. 10/525,231
February 9, 2009

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 142, 144, 146, 148, 158 and 236-249 are in the case.

I. THE INTERVIEW

At the outset, the undersigned wishes to thank the Examiner (Mr. Gudibande) and his supervisor (Mr. Kosar) for kindly agreeing to conduct an interview in this application. The interview was held on January 15, 2009 and the courtesies extended by the Examiner and his supervisor were most appreciated. The purpose of the interview was to discuss proposed amendments of claims 142 and 146 to incorporate respectively the subject matter of claims 143 and 147. Claims 143 and 147 were indicated to be withdrawn in the outstanding Action. The Examiner and his supervisor confirmed during the interview that the proposed amendments of claims 142 and 146 to incorporate the subject matter of claims 143 and 147, respectively, would not result in the amended claims 142 and 146 being refused entry.

II. ELECTION/RESTRICTION

The election of Group II and the election of the species as set forth on page 2 of the Action are affirmed. It is noted that the elected species has been found to be free of the prior art and that the species recited in claims 148 and 249 have also been found to be free of the prior art.

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III. ALLOWABLE SUBJECT MATTER

It is noted, with appreciation, that claims 148 and 249 are allowable over the prior art.

IV. CLAIMS UNDER EXAMINATION

Claims 142, 144, 146, and 158 are examined on the merits. Claims 143, 145, 147 and 236-248 are withdrawn.

Pursuant to the outcome of the interview, claims 142 and 146 have been amended to incorporate the limitations of claims 143 and 147, respectively. Claims 143 and 147 have accordingly been cancelled without prejudice. The claims have also been amended to include proper Markush language. No new matter is entered. Entry of the claims as amended is respectfully requested.

As it is believed that claims 142, 144, 146 and 158 are now in allowable condition for the reasons discussed below, it is believed that the remaining claims which are withdrawn should be rejoined and all pending claims allowed. Such action is respectfully requested.

V. THE ANTICIPATION REJECTIONS

Claims 142, 144 and 158 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Shiraki, Tetrahedron Letters, 1995, 36, 5551-5554. Claims 142 and 144 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Gill, 1993, J. Chem. Soc., Perkin Transaction, 21, 2567-2579. Claim 146 stands rejected under 35 U.S.C. §102(b) as allegedly anticipated by Florenza, 1984, J. Org. Chem., 49, 551-553. Claim

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146 stands rejected under 35 U.S.C. §102(b) as allegedly anticipated by Aso, 2000, Chem. Pharm. Bull., 48, 1384-1386. The anticipation rejections are respectfully traversed.

In response, and without conceding to the rejections, claim 142 has been amended to insert the limitation of claim 143, namely, "wherein at least one of R₁, R₂, R₃ and R₄ is hydrogen". Claim 146 has been amended to incorporate the same language from claim 147. Claims 143 and 147 have accordingly been cancelled without prejudice. Claim 158 has been amended to delete hydrogen from the definition of R₆.

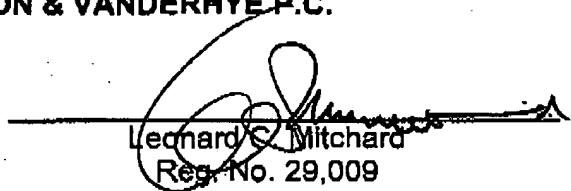
None of the cited prior art anticipates the claims as now amended. Withdrawal of all of the anticipation rejections is accordingly respectfully requested.

Favorable action is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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